

CITY OF DANBURY

155 DEER HILL AVENUE DANBURY, CONNECTICUT 06810

PLANNING COMMISSION (203) 797-4525 (203) 797-4586 (FAX)

MINUTES JANUARY 17, 2007

The meeting was called to order by Chairman Arnold Finaldi Jr. at 7:30 PM.

Present were John Deeb, Arnold Finaldi Jr., Kenneth Keller, Edward Manuel and Alternates Paul Blaszka and Joel Urice. Also present was Associate Planner Jennifer Emminger.

Chairman Finaldi asked Mr. Urice to take the place of the vacant regular seat for the items on tonight's agenda.

Mr. Urice made a motion to accept the minutes of November 1, 2006, November 15, 2006 and December 6, 2006. The motion was seconded by Mr. Deeb and passed unanimously.

PUBLIC HEARINGS:

7:30 PM – <u>Sandpit Investors LLC – Application for Special Exception to allow use (new Medical Office in conjunction with existing Warehouse/Office) generating in excess of 500 vehicle trips per day – 79-81 Sandpit Rd. (#K10044) – SE #653.</u>

Mr. Keller read the legal notice. Engineer Steve Sullivan, from CCA described the proposal. He said they proposed to construct a 10,980 sq.ft. Medical office building on the parcel while keeping the existing warehouse facility. He said there also is an existing single family dwelling on the site but that will be removed. They have received EIC approval and will make the necessary revisions to satisfy Staff comments received so far. They are just waiting to receive the Engineering Dept. comments. Kevin Bennett, the architect spoke next describing how they will fit the three story building into the two levels of grade. He said the site slopes from west to east. Traffic Engineer Allan Mess then spoke, saying this site has frontage on two roads, Sandpit and Beaver Brook Rd. The access for the medical building will be only from Sandpit Rd. There will be emergency access from both roads but the primary access for this will be Sandpit and the manufacturing building will continue to be from Beaver Brook Rd. He said there are 224 parking spaces required for the medical use in addition to the 39 spaces necessary for the warehouse use. Also there are 7 handicapped spots required. He then mentioned the recent

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amendment to the parking requirements which changed the calculation for medical offices from 1 space per 100 square feet of usable gross floor area to 1 space per 125 square feet of usable gross floor area, saying this application is probably the first since that was approved. He was not sure if they will need to get STC approval but said they have to submit because of the effect of a building of this size emptying out onto a State highway. Mr. Mess then said he would have more to say after they receive the City Traffic Engineer's report.

Mrs. Emminger said they had met with Abdul Mohammed regarding some preliminary road widening being proposed. Mr. Mohammed suggested he would like that wider and it is being worked out now. Mr. Keller said anyone trying to make a left onto Sandpit Rd. will have a tough time getting out. Mr. Blaszka asked how they will address the stacking due to backup onto Beaver Brook Rd. He said he travels this road everyday and this will definitely impact Rockwell Rd. Mr. Mess said they have recommended extending the two lanes 450 ft. beyond where they are now. He added that the intersection of the three roadways is a critical element and they would recommend a signal or further widening, although he does not believe there is enough land to do a widening. They do not figure the proposed development on their site will cause stacking but they feel the lengthening of the two lanes will help alleviate the existing backup. Mrs. Emminger said Mr. Mohammed has indicated that the City has allocated money for a traffic signal, although he does not know when it would happen. Mr. Keller asked why the Building Dept. denied the plans. Mrs. Emminger said there was not adequate information for the Building Inspector to review for ADA compliance.

Mr. Deeb made a motion to continue the hearing. Mr. Keller seconded the motion and it was passed unanimously.

CONTINUATION OF PUBLIC HEARINGS:

Sycamore Trails Group LLC – Application for twelve (12) lot subdivision (33.49 acres) "Savannah Hills" in the RA-80 Zone – 193-207 Great Plain Rd. (#J04084, #J04085, #J05099, #J05100) – Subdivision Code #06-09. This application has not yet received EIC approval. *Public hearing opened* 11/1/06 – 35 days were up 12/06/06. Extension granted to 2/9/07.

Mr. Manuel, Mr. Keller and Mr. Blaszka announced that they had each listened to tapes of meetings that they missed.

Mike Mazzucco said they had asked for a continuation at the last meeting. He said he had responded to a letter he received from Mrs. Emminger and ZEO Sean Hearty as well as providing the cut and fill information that was requested. He said the letter from Mrs. Emminger and Mr. Hearty was interesting reading because it takes a stand regarding how new lots are looked at. He said they had met with Mrs. Emminger, Deputy Planning Director Sharon Calitro, Corporation Counsel Robin Edwards and the applicant's attorney and resolved some of the outstanding issues. They are now waiting for a letter from the ZEO regarding lot 5. Mr. Mazzucco said the plans will be updated once he gets the opinion from Mr. Hearty. He also spoke about the use of flag lots and the authority of the Commission regarding them. He briefly pointed out the changes that have been made so far. He said this plan is similar to original plan, but considering some of these as flag lots and then meeting the minimum square

requirement forced them to make some changes. Mr. Urice asked about the wetlands. Mr. Manuel asked to see the proposed layout, Mr. Mazzucco distributed copies and said this plan is what they were asked to produce. Mr. Keller asked why can't they use Old Town Rd for access. Mr. Mazzucco said it is not a City road and we don't know who owns it. It is just a one lane gravel access that serves a dozen houses. The angle to get out of it would require removing a lot more fill than the way they have proposed. Mrs. Emminger asked for clarification on lot 10 since it goes through the conservation easement. Mr. Mazzucco said if they do it differently it would be a whole new application for EIC and there would be no conservation easements. He added that it is difficult to find something that everyone likes and that also satisfies EIC. He said using accessways is the only option to develop this land; it promotes common sense and reduces the work that would have to be done, although EIC would prefer the use of combined driveways. Mr. Keller mentioned that the Candlewood Lake Authority (CLA) had suggested building less houses. Mr. Mazzucco said 12 lots on 33½ acres is not awful. Mrs. Emminger said the Commission has approved two subdivisions over the past two years and it is not the standard practice in a new subdivision for the majority of the lots to be served by accessways. She said it is more usual and preferable to see new roads being proposed. Mr. Mazzucco then submitted a GIS map showing some of the other subdivisions in the area that have lots served by accessways. Mr. Urice asked if the Engineering Dept's, request to widen the roads could be done. Mr. Mazzucco said it could. Mr. Blaszka asked Mr. Mazzucco to review the sight lines for exiting the property. Mr. Urice asked if the letter from the CLA is in the record. Mrs. Emminger said she is still waiting for a response to the original Engineering Dept. letter. She asked Mr. Mazzucco to explain how the slopes will be stabilized during and after construction. Mr. Mazzucco said any that are remaining will be stabilized with topsoil, the Engineering Dept. usually asks for a soil scientist to review the ledge. He continued saying that the amount of ledge that exists here is not necessarily a bad thing. Mr. Keller said that is his concern especially with the possible blasting. Mr. Mazzucco said that information is on the road profile plan, phases one through three and also the erosion and sedimentation control plan goes into detail about the phasing. Mrs. Emminger said Engineering had required concrete curbing along the length of the road although the Regulations suggest bituminous. She suggested that possibly the Commission could require concrete curbing along the roadway since the City will eventually have to take it over and maintain it and all City curbing is concrete. Mr. Mazzucco said his response to that is that we should change our Regulations. Mrs. Emminger said she has additional comments but would put them in a staff report since we don't have to close this tonight. Mr. Keller asked if there was any impact study done with regard to blasting. Mr. Mazzucco then said the applicant (Mr. Cordeiro) will agree to a condition that he will drill a new well for anyone whose well is damaged by the blasting. Mr. Keller said he is more concerned for after the fact. Mr. Mazzucco said all of the standard procedures for pre-blast surveys will be done. Mr. Cordeiro is an honorable guy; he has already demonstrated this by all of the work he has done.

Joe Cordeiro said he wants them to see the kind of person that he is. He said he has worked hard to create a good name and wants to maintain it. He said he does not want to talk to the newspaper; he would rather speak directly to people. He said regarding the curbs, he will do whatever they tell him to do. After he bought the land, he walked it and looked over all of it. He said he had asked the City to take a look at it so he could clean it up and then he gets letter from the Health Dept. telling him he has seven days to clean it up. He said he has a lot of experience laying out houses on land and he could have done a lot of other things, but he thinks this is the best plan for this land. He said regarding Brian Wood from the Candlewood

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Lake Authority saying he cannot do some of what he wants to, he had only one thing to say. He then quoted the Bible: "Render therefore unto **Caesar** the things which are **Caesar**'s; and unto God the things that are God's." In closing, he asked that they give him the right to develop this land.

Chairman Finaldi asked if there was anyone to speak in opposition to this and there was no one. Mr. Keller read a letter in opposition from Gary Sivacek and Chairman Finaldi read another letter also from Mr. Sivacek.

Mr. Urice made a motion to continue the public hearing. Mr. Deeb seconded the motion and it was passed unanimously.

Omnipoint Communications Inc./T-Mobile – Application for Special Exception for a Wireless Telecommunications Facility on an Existing Sign – 78 Federal Rd. (#L09025) – SE #640. *Public hearing opened 1/3/07 – 35 days will be up 2/7/07.*

Jennifer Young Gaudet said the Commission had asked for several items at the last meeting and she has complied with those requests. She said the plans had been revised and the building coverage percentage is now noted on the plans, there is an increase from 18% to 19%. The other changes deal with landscaping details; they added a double row of arbor vitaes on three sides of the chain link fence that surrounds the equipment shelter. The fourth side is an extremely narrow area and abuts the pool enclosure, so there is not really enough room for any plantings. She said they also added arbor vitaes where the cable bridge is and she noted that there currently is no landscaping around the existing Nextel shelter. She submitted a copy of the lease agreement for the file and said the access rights are detailed at top of page three. She distributed copies of the photo simulation showing the canister in a pale grey color. Mr. Keller asked if there already is an antenna there that they had approved. Mrs. Emminger said yes the Commission had approved one for Nextel. Ms. Gaudet said she had shown them the original proposal in green and the Commission had asked to see it in grey. She said they can make it any color but the Commission has to determine what color they would like. She offered to answer questions. Mr. Keller asked the height of the antenna off of the top of the sign. Ms. Gaudet said the top of antenna is at 84 ft., which was permitted by a very old zoning variance. She then said they had gone to ZBA to get approval to add this antenna to the sign. Mrs. Emminger asked for a copy of the filed variance certificate for the file. Ms. Gaudet said she would provide it as soon as she receives it back from the Town Clerk's office.

Chairman Finaldi asked if there was anyone to speak in opposition and there was no one.

Mrs. Emminger asked what the consensus was on the color of the canister and the Commission unanimously agreed that they want the color to be GREY.

Mr. Urice made a motion to close the public hearing. Mr. Manuel seconded the motion and it was passed unanimously.

<u>Jim Setaro/OSR Properties LLC – Application for proposed two (2) lot Re-subdivision (1.12 acres) in the RA-8 Zone – 1 Old Shelter Rock Rd. (#K13069) – Subdivision Code #06-10. Public hearing opened 1/3/07 – 35 days will be up 2/07/07.</u>

Mike Mazzucco said he is currently working on revisions to the plans in response to various Departmental comments. He asked them to continue this until the next meeting. He said the Engineering Dept. wants a hydrant but the Fire Marshal approved it without one, so they don't want to put one in. He said they are trying to combine the entrance to the two driveways so there will only be one curb cut. Mr. Urice expressed concern that the 35 days will be up on the same day as the next meeting. Mrs. Emminger said she is hopeful that they will be all done by that meeting.

Chairman Finaldi asked if there was anyone to speak in opposition to this application and there was no one.

Mr. Manuel made a motion to continue the public hearing. Mr. Urice seconded the motion and it was passed unanimously.

OLD BUSINESS FOR CONSIDERATION AND POSSIBLE ACTION:

North Street Shopping Center – Application for Special Exception/Revised Site Plan to allow use ("Burger King") generating in excess of 500 vehicle trips per day – 1 Padanaram Rd. (#H11258) – SE #500. This application has already received EIC approval. *Public hearing closed 12/6/06 – 65 days will be up 2/9/07.*

Mr. Keller said he had listened to the tapes of the meetings he had missed and it seems that no matter what they do, the internal traffic flow would be quite problematic. Chairman Finaldi said that issue was brought up and discussed at several meetings. Mr. Urice said it seemed like they got a lot of conflicting testimony from the applicant. Chairman Finaldi said that is true, they did discuss this quite thoroughly at the previous meeting and the Staff is working on a resolution for the next meeting. Mr. Urice made a motion to table this matter until the next meeting. Mr. Keller seconded the motion and it was passed unanimously.

Chairman Finaldi noted that there was no New Business on this agenda.

REFERRALS:

<u>8-24 Referral/February '06 CC Agenda Item 26 – Eagle Road Center LLC/Transfer of Property to City of Danbury. Tabled pending receipt of additional information.</u>

8-24 Referral/December '06 Agenda Item 14 – Property Tax Abatement to Encourage Open Space. *Motion made at 1/7/07 meeting to request additional time from the Council due to complexity of this issue.*

8-3a Referral – Petition of Alexander W. & Danielle Sutor, 14 Clapboard Ridge Rd. (#H12001) for Change of Zone from RA-40 to RMF-4. Zoning Commission public hearing scheduled for February 13, 2007.

Mr. Urice made a motion to table the first three referrals until the next meeting. Mr. Keller seconded the motion and it was passed unanimously.

<u>8-24 Referral/January '07 Agenda Item 12 – West Side Interceptor Sewer/Revised Phase 1</u> Easements.

This request is for the revisions to maps and documents associated with the West Side Sewer Interceptor project easements. The Commission had previously approved the referral for these easements. Revisions to the location of the easements and associated document descriptions are now required as the plans and negotiations are finalized with the property owners. Mr. Deeb made a motion to give this a positive recommendation subject to approval of the easement documents and plans in form and content that is acceptable to Corporation Counsel, the Engineering Dept. and the Superintendent of Public Utilities. Mr. Urice seconded the motion and it was passed unanimously.

8-24 Referral/January '07 Agenda Item 13 – Request for Sewer Extension at 109 Park Ave.

This is a request for a sewer extension to serve a .70 acre site located at 109 Park Avenue. The site is currently zoned RMF-4 and vacant. The Planning Dept. is currently reviewing a site plan proposal for six two-bedroom units in three detached buildings. This site is within the proposed sewer service area in the Plan of Conservation and Development. The applicant proposes to extend the existing main to the rear of the property across the railroad tracks through the site with lateral connections to the proposed buildings. Mr. Keller made a motion to give this a positive recommendation provided the extension meets the following requirements: (1) the approval of the design, benefit assessment determination and financing provisions, construction, installation and inspection requirements of the City of Danbury and the Departments of Engineering and Public Utilities, and (2) submission of all required legal documents in form and content acceptable to Corporation Counsel. Mr. Deeb seconded the motion and it was passed unanimously.

Chairman Finaldi said there was nothing under Other Matters and the only Correspondence was the Regular Meeting Schedule for 2007. The For Reference Only listed the public hearings scheduled for February 7, 2007 and March 7, 2007.

At 9:35 PM, Mr. Deeb made a motion to adjourn. Mr. Keller seconded the motion and it was passed unanimously.